

THIRD DAY

TUESDAY, FEBRUARY 14, 2006

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Aldersley, Andrews, Barker, Cassetti, Colby, Cruz, DiRaddo, Dobson, Driscoll, Eckel, Gamble, Haney, Hanna, Heider, LaFountain, Lee, Lightfoot, Malta, McCann, O'Brien, Palumbo, Quatro, Smith, Tucciarello, Valerio, Yolevich, Zyra — 28

Absent — Legislator Bronson — 1

Meeting formally opened. At the invitation of Legislator Carla M. Palumbo, Reverend John Mulligan, Sacred Heart Cathedral Community, delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Willie J. Lightfoot, Jr..

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 2, January 10, 2006 was approved as submitted.

PETITIONS AND COMMUNICATIONS

President Zyra introduced the Honorable Robert J. Duffy, Mayor, City of Rochester who addressed the Legislature.

PROCLAMATIONS

By the President of the Legislature — WAYNE E. ZYRA

Recognized Jointly with Legislator Richard Yolevich “Hilton Girls Cross Country Team” for being ranked #1 in the Nation at the 2005 Nike Team Nationals.

Read and Filed.

Recognized Jointly with Legislator Robert J. Colby “Bernard Cubitt and Lewis “Bud” Nichols” for being the recipients of the “Clyde W. Carter Citizens of the Year” Award.

Read and Filed.

Recognized Jointly with Legislator Robert J. Colby “Lisa Ver Steeg and Maria Parina” for being the recipients of the 2005 Spencerport Chamber of Commerce Civic Beautification Award.

Read and Filed.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Fifteen speakers addressed the Legislature on various subjects and the Open Forum concluded at 6:55 P.M.

MOTIONS, RESOLUTIONS AND NOTICES

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| 1. | Driscoll &
LaFountain
Intro. 7
Res. 4
28-0 | 06-0009 | Approving Official Undertaking of Public Employees Blanket Bond for
Genesee/Finger Lakes Regional Planning Council
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 2. | Driscoll &
LaFountain

Intro. 8
Res. 5
28-0 | 06-0010 | Authorizing Payment to the Genesee/Finger Lakes Planning Council
Planning and Economic Development Committee; January 23, 2006 - CV: 5-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 3. | Barker &
LaFountain
Intro. 9
Res. 6
28-0 | 06-0011 | Accepting Grant From New York State Governor's Traffic Safety
Committee For Selective Traffic Enforcement Program
Public Safety Committee; January 23, 2006 – CV: 8-0 (As Amended)
Ways and Means Committee; January 25, 2006 - CV: 9-0 (As Amended in Public Safety) |
| 4. | Barker,
Valerio &
LaFountain
Intro. 10
Res. 7
28-0 | 06-0012 | Authorizing Contract With Monroe Community College for Education Services for
Inmates at the Monroe Correctional Facility
Public Safety Committee; January 23, 2006 - CV: 8-0
Recreation and Education Committee; January 24, 2006 - CV: 5-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 5. | Barker &
LaFountain
Intro. 11
Res. 8
28-0 | 06-0013 | Authorizing Contract With Lynn Prescott d/b/a Prescott
Polygraph Service For Administration And Review Of Polygraph Tests for
Prospective Employees
Public Safety Committee; January 23, 2006 - CV: 8-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 6. | Barker &
LaFountain
Intro. 12
Res. 9
28-0 | 06-0014 | Accepting Grant from New York State Governor's Traffic Safety
for "Buckle Up New York" Enforcement Campaign
Public Safety Committee; January 23, 2006 - CV: 8-0 (As Amended)
Ways and Means Committee; January 25, 2006 - CV: 9-0 (As Amended in
Public Safety) |
| 7. | Barker &
LaFountain
Intro. 13
Res. 10
28-0 | 06-0015 | Amending 2006-2011 Capital Improvement Program To Increase
Financing For And Expand The Scope Of The Project Entitled "Police
Communications System"
Public Safety Committee; January 23, 2006 – CV: 8-0
Ways and Means Committee; January 25, 2006 – CV: 9-0 |

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| 8. | Barker &
LaFountain
Intro. 14
Res. 11
28-0 | 06-0015 br. | <p>Resolution Authorizing The Issuance Of \$9,150,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Purchase And Installation Of A Police Communication System In And For Said County, And Superseding The Bond Resolution Adopted On December 10, 2002 (Resolution No. 364 of 2002)</p> <p>Public Safety Committee; January 23, 2006 - CV: 8-0</p> <p>Ways and Means Committee; January 25, 2006 - CV: 9-0</p> |
| 9. | Barker &
LaFountain
Intro. 15
Res. 12
28-0 | 06-0016 | <p>Accepting Grant From New York State Division Of Parole or Pre-Warrant Alternative To Violation of Parole Program; Authorizing Contract With Pre-Trial Service Corporation Of The Monroe County Bar Association</p> <p>Public Safety Committee; January 23, 2006 - CV: 8-0</p> <p>Ways and Means Committee; January 25, 2006 - CV: 9-0</p> |
| 10. | Barker &
LaFountain
Intro. 16 | 06-0017 | <p>Accepting Grant From New York State Division of Probation And Correctional Alternatives For Alternatives To Incarceration Classification/Alternatives Program And Enhanced Drug/Alcohol Treatment Program</p> <p>Public Safety Committee; January 23, 2006 - CV: 8-0</p> <p>Ways and Means Committee; January 25, 2006 - CV: 9-0</p> |
| | Intro. 17
M. 1
11-17F | | <p>Lee/Palumbo</p> <p>Motion To Table Intro. No. 16 for the purpose of the premature elimination of part of the funding to SWAN - The Bridge organization.
<i>(Legislators Palumbo, Aldersley, Andrews, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the affirmative)</i></p> |
| | Intro. 18
M. 2
11-17F | | <p>O'Brien/Aldersley</p> <p>Motion to Amend Intro. No. 16 for the purpose of the following:</p> <p>“To accept a grant from the New York State Department of Probation and Correctional Alternatives in an amount not to exceed \$452,000 and for the Monroe County Legislature to retain control over said grant monies and delay grant disbursement until the Criminal Justice Council presents to the Public Safety and Ways and Means Committees of the Monroe County Legislature justification for the manner in which the grant is to be appropriated.”
<i>(Legislators Palumbo, Aldersley, Andrews, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the affirmative)</i></p> |
| | Intro. 16
Res. 13
17-11 | | <p>Main Motion</p> <p><i>(Legislator Lee declared his interest prior to the vote)</i></p> <p><i>(Legislators Palumbo, Aldersley, Andrews, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the negative)</i></p> |
| 11. | Barker &
LaFountain
Intro. 19
Res. 14
28-0 | 06-0018 | <p>Accepting Two Grants From New York State Division Of Criminal Justice Services For DNA Backlog Reduction Program</p> <p>Public Safety Committee; January 23, 2006 - CV: 8-0</p> <p>Ways and Means Committee; January 25, 2006 - CV: 9-0</p> |
| 12. | Valerio &
LaFountain
Intro. 20
Res. 15 | 06-0019 | <p>Authorizing Contract With Research Foundation Of The State University Of New York To Fund County Historian's Office For 2006</p> <p>Recreation and Education Committee; January 24, 2006 - CV: 5-0</p> |

- 28-0 Ways and Means Committee; January 25, 2006 – CV: 9-0
13. Malta & Valerio Intro. 21 06-0020 Amending Resolution 343 Of 1997 To Amend Operating Agreement With Monroe Community College and City of Rochester For Public Safety Training Facility; Revoking Resolution 76 of 1999
Intergovernmental Relations Committee; January 24, 2006 - CV: 5-0
Recreation and Education Committee; January 24, 2006 - CV: 5-0
- Intro. 22 M. 3 Barker/Quatro
Motion to Amend Intro. No. 21 for the purpose of editing Section #5 of the Resolution to read:

“Four (4) representatives of the County of Monroe, at least one (1) of whom shall represent a County public Safety function **and one (1) member of the County Legislature**, to be appointed by the Monroe County Executive;”

“This Amendment will have no fiscal impact to the 2006 Monroe County Budget.”
- Intro. 23 M. 4 11-17F Eckel/Aldersley
Motion to Amend Intro. No. 22 for the purpose of editing Section #5 to Section 1 of the Resolution to read:

“Four (4) representatives of the County of Monroe, at least one (1) of whom shall represent a County public safety function, one (1) of whom shall be a member of the Legislature Majority and one (1) of whom shall be a member of the Legislature Minority, to be appointed by the Monroe County Executive.”
(Legislators Palumbo, Aldersley, Andrews, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot and O'Brien voted in the affirmative)
- Intro. 22 M. 3 28-0 Barker/Quatro
Motion to Amend Intro. No. 21 for the purpose of editing Section #5 of the Resolution to read:

“Four (4) representatives of the County of Monroe, at least one (1) of whom shall represent a County public Safety function **and one (1) member of the County Legislature**, to be appointed by the Monroe County Executive; “

“This Amendment will have no fiscal impact to the 2006 Monroe County Budget.”
- Intro. 21 Res. 16 As Amended by M. 3 28-0 Main Motion
14. Malta, Barker & LaFountain Intro. 24 Res. 17 28-0 06-0021 Authorizing Intermunicipal Agreement With City of Rochester For Firearm Instructor
Intergovernmental Relations Committee; January 24, 2006 - CV: 5-0
Public Safety Committee; January 23, 2006 - CV: 8-0
Ways and Means Committee; January 25, 2006 - CV: 9-0
15. Malta, Barker & LaFountain Intro. 25 Res. 18 28-0 06-0022 Authorizing Intermunicipal Agreement With City of Rochester For Downtown Patrol Services
Intergovernmental Relations Committee; January 24, 2006 - CV: 5-0
Public Safety Committee; January 23, 2006 - CV: 8-0
Ways and Means Committee; January 25, 2006 - CV: 9-0

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| 16. Dobson & LaFountain
Intro. 26
Res. 19
28-0 | 06-0023 | Accepting Grants From Unity Health System, ViaHealth, Rochester Area Community Foundation and University of Rochester For Monroe County Adult Health Survey Program
Human Services Committee; January 24, 2006 - CV: 7-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 17. Dobson & LaFountain
Intro. 27
Res. 20
28-0 | 06-0024 | Accepting Grant From New York State Division Of Criminal Justice Services For Paul Coverdell National Forensic Sciences Improvement Program
Human Services Committee; January 24, 2006 - CV: 7-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 18. Dobson & LaFountain
Intro. 28
Res. 21
28-0 | 06-0025 | Amending Resolution 368 of 2005 To Accept Additional Funding From New York State Department of Health For Consolidated Child and Family Health Program
Human Services Committee; January 24, 2006 - CV: 7-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 19. Dobson & LaFountain
Intro. 29
Res. 22
28-0 | 06-0026 | Amending Resolution 154 of 2000, As Amended By Resolution 182 of 2001, As Amended By Resolution 366 of 2001, As Amended By Resolution 230 Of 2002, As Amended By Resolution 351 Of 2003, As Amended By Resoltuion 163 Of 2005, To Accept Additional Funding From United States Department of Justice For Safe Start Demonstration Initiative Program And To Extend Time Period
Human Services Committee; January 24, 2006 - CV: 7-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 20. Dobson & LaFountain
Intro. 30
Res. 23
28-0 | 06-0027 | Accepting Grant From New York State Governor's Traffic Safety Committee For Child Passenger Safety Program
Human Services Committee; January 24, 2006 - CV: 7-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 21. Dobson & LaFountain
Intro. 31
Res. 24
28-0 | 06-0028 | Accepting Grant From New York State Office Of Temporary And Disability Assistance For Food Stamp Nutrition Education Project
Human Services Committee; January 24, 2006 - CV: 7-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 22. Dobson & LaFountain
Intro. 32
Res. 25
28-0 | 06-0029 | Accepting Grant From Finger Lakes Association, Inc. For Special Projects Fund Program
Human Services Committee; January 24, 2006 - CV: 7-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 23. Dobson & LaFountain
Intro. 33
Res. 26
28-0 | 06-0030 | Accepting Grant From New York State Office Of Children And Family Services For Child Care Facilitated Enrollment Project
Human Services Committee; January 24, 2006 - CV: 7-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |

(Legislator Lee declared his interest prior to the vote)

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| 24. Cassetti & LaFountain
Intro. 34 | 06-0032 | Authorizing Supplemental Contracts With New York State For Aid Relating To Improvements At Greater Rochester International Airport
Environment and Public Works Committee; January 25, 2006 - CV: 8-0 |
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| | Res. 27
28-0 | | Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 25. | Colby &
Valerio
Intro. 35

Intro. 36
M. 5
11-17F | 06-0033 | Designating Official Newspapers For County of Monroe
For 2006
Agenda/Charter Committee; January 25, 2006 - CV: 5-0

O'Brien/Haney
Motion to Amend Intro. No. 35 for the purpose of deleting paragraph two: "In order to obtain the broadest possible readership, as well as to most efficiently use our financial resources, I am recommending the designation of the following two newspapers: <u>The Daily Record</u> and <u>The Rochester Business Journal</u> . These newspapers have been designated the official newspapers since 1997."

And replace with:

"In order to obtain the broadest possible readership, as well as most efficiently use our financial resources, I am recommending the designation of the following three newspapers: <u>The Daily Record</u> , <u>The Rochester Business Journal</u> and <u>City Newspaper</u> ."
Delete subsection 1: "Designation of <u>The Daily Record</u> and <u>The Rochester Business Journal</u> as the official newspapers for the year 2006 for publication of all local, laws, notices and other matters required by law."

And replace with:

"Designation of <u>The Daily Record</u> , <u>The Rochester Business Journal</u> and <u>City Newspaper</u> the official newspapers for the year 2006 for publication of all local laws, notices and other matters required by law."
<i>(Legislators Palumbo, Aldersley, Andrews, Cruz, Eckel, Gamble, Haney, Heider, Lee, Lightfoot, and O'Brien voted in the affirmative)</i> |
| | Intro. 35
Res. 28
28-0 | | Main Motion |
| 26. | Tucciarello &
LaFountain
Intro. 37
Res. 29
28-0 | 06-0035 | Authorizing Sale Of County-Owned Tax Foreclosed Property
In The Town Of Rush
Ways and Means Committee; January 25, 2006 - CV: 9-0 |
| 27. | Valerio &
LaFountain
Intro. 38
Res. 30

Trails

28-0 | 06-0039 | Accepting Grant From New York State Office Of Parks, Recreation
And Historic Preservation For The Snowmobile Trail And
Maintenance Program And Authorize Contracts With The Hilton Sno-Flyers
And The Webster Ridge Runners For The Development And Maintenance Of

Recreation and Education Committee; January 24, 2006 – CV: 5-0
Ways and Means Committee; January 25, 2006 – CV: 9-0 |
| 28. | Colby &
Valerio
Intro. 39
Res. 31
28-0 | 06-0040 | Appointment to the Monroe County Planning Board |
| 29. | Cassetti,
Colby &
Valerio
Intro. 40
Res. 32 | 06-0041 | Reappointment to the Monroe County Planning Board |

28-0

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| 30. | Cassetti,
Colby &
Valerio
Intro. 41
Res. 33
28-0 | 06-0042 | Appointment to the Monroe County Planning Board |
| 31. | Tucciarello,
Cassetti &
LaFountain
Intro. 42
Res. 34
28-0 | 06-0043 | Amending 2006-2011 Capital Improvement Program To Increase Financing For The Construct Runway 10/28 Safety Improvements Project At The Airport; Authorize Contracts And Easement Amendments With Sunoco Pipeline LP And Buckeye Pipe Line Transportation LLC, For Relocation Of Pipelines At The Greater Rochester International Airport
Environment and Public Works Committee: January 25, 2006 – CV: 8-0
Ways and Means Committee; January 25, 2006 – CV: 9-0 |
| 32. | Cassetti &
LaFountain
Intro. 43
Res. 35
28-0 | 06-0043 br. | Resolution Authorizing The Issuance Of \$25,300,000 Bonds Of The County Of Monroe, New York, To Finance The Cost Of The Construction Of Runway 10/28 Safety Improvements And Related Improvements, Including Incidental Improvements, At The Greater Rochester International Airport In And For Said County, And Superseding The Bond Resolution Adopted On September 13, 2005 (Resolution No. 302 of 2005)
Environment and Public Works Committee; January 25, 2006 - CV: 8-0
Ways and Means Committee; January 25, 2006 - CV: 9-0 |

Matters of Urgency

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| 33. | Smith &
McCann
Intro. 44
Elect. 4 | 06-0072 | Election for Position of Deputy Clerk
Matter of Urgency |
| 34. | Colby &
Valerio
Intro. 45
Res. 36
28-0 | 06-0073 | Appointment to the Action for a Better Community (ABC) Board of Directors
Matter of Urgency

<i>(Legislator Aldersley declared her interest prior to the vote)</i> |
| 35. | Colby &
Valerio
Intro. 46
Res. 37
28-0 | 06-0074 | Appointment to the Soil and Water Conservation Board
Matter of Urgency |
| 36. | LaFountain &
McCann
Intro. 47

Intro. 48
M. 6
28-0 | 06-0075 | Authorization To Settle A Lawsuit Entitled "Thomas Ziembec Vs. County Of Monroe, Et Al"
Matter of Urgency

Smith/Palumbo
Motion to Go Into Executive Session |

Intro. 49
M. 7
28-0

Smith/Palumbo
Motion to End Executive Session

Intro. 47
Res. 38
28-0

Main Motion

UNFINISHED BUSINESS

NONE

Upon Motion by Legislator Smith, the Legislature adjourned at 8:15 P.M. until Tuesday, March 14, 2006 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature